

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

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911 REALTY CORP,

Index No: 510586/2019

Plaintiff,

-against-

Affidavit in Support

ARIHAY KAIKOV and
AERE MANAGEMENT CORP.

Defendants

-----X
STATE OF NEW YORK)
) SS.:
COUNTY OF Queens)

I, Arihay Kaikov, being duly sworn deposes and says:

1. I am the Defendant in this action, and as such, I am fully aware of the facts and circumstances in this case, and make this affidavit in further support of the motion to dismiss the above-captioned lawsuit.

2. On or about May 13, 2019, Plaintiff filed their Summons and Complaint regarding an alleged ownership interest in the property known as 844 Herkimer Street, Brooklyn, NY 11233 (hereinafter "Subject Property" or "Subject Premises"). *See* Exhibits A and B attached to the Motion to Dismiss.

3. However, on or about April 25, 2019, Plaintiff, by his uncle, commenced an identical action against me in the Eastern District of New York. *See* Exhibit C attached to the Motion to Dismiss for the federal summons and complaint.

EXHIBIT 6

4. These two actions are identically similar, and as such, the instant state action should be dismissed pursuant to CPLR section 3211(a)(4). The alleged wrongs, identify of the parties, and the prayer for relief are identical. *See* Exhibit A and C.

5. The Plaintiff is the same in both actions, and as such, is, or should be, fully aware that the same issue is now being litigated in two different courts. In essence, the Plaintiff is misappropriating its corporate form to litigate an alleged wrongdoing that the Plaintiff is **already litigating** in his individual capacity in Federal Court. *Id.*

6. Additionally, I was never served in this action.

7. As evidenced by my driver's license and electric bills, my actual place of residence in May 2019 was Sunny Isles Beach, Florida. *See* Exhibit H and I.


8. While I was in New York from May 28, 2019 through June 7, 2019, *See* Exhibit J, I never visited, stayed at, or resided at 65-38 Booth Street, Apt. #2H, Rego Park, NY 11374, where service was allegedly served. This property is my mother's residence. *See* Exhibit E for utilities bills proving my mother lives at this address—not me.

9. Nobody at that address is authorized to accept service on my behalf.

10. While I was in New York, I was staying at 204 Centre Island Road, Oyster Bay, NY 11771. *See* Exhibit D for utilities bills.

11. I am asking the court to carefully consider my attorneys arguments and grant the motion to dismiss so that I do not have to defend against duplicative lawsuits, and because I was never served in this current case.

WHEREFORE, I respectfully request that this Court grant the relief requested by my attorney in the motion to dismiss.


Arihay Kaikov

Sworn to before me this
21st day of October, 2019.


NOTARY PUBLIC

ANDREAS E. CHRISTOU
Notary Public - State of New York
No. 01CH6358331
Qualified in Schenectady County
My Comm. Expires May 8, 2021